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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782.683	02/19/2004	Mark Julian Russell	282559US8X	5248

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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KRASNIC, BERNARD

ART UNIT	PAPER NUMBER
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2624

NOTIFICATION DATE	DELIVERY MODE
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01/14/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 10/782,683	Applicant(s) RUSSELL ET AL.	
	Examiner Bernard Krasnic	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

1. The amendment filed 11/05/2007 have been entered and made of record.

2. The Applicant has canceled claim(s) 11-13.

3. The application has pending claim(s) 1-10.

4. In response to the amendments filed on 11/05/2007:

The "Objections to the drawings" have been entered and therefore the Examiner withdraws the objections to the drawings.

The "Objections to the specification and the abstract" have been entered and therefore the Examiner withdraws the objections to the specification and the abstract.

The "Objections to the claims" have been entered, but the Applicant has not amended a few of the addressed claim objections and therefore the Examiner has once again addressed these issues.

The "Claim rejections under 35 U.S.C. 112, second paragraph" have been entered and therefore the Examiner withdraws the rejections under 35 U.S.C. 112, second paragraph.

The "Claim rejections under 35 U.S.C. 101" have been entered and therefore the Examiner withdraws the rejections under 35 U.S.C. 101.

5. Applicant's arguments filed 11/05/2007 have been fully considered but they are not persuasive.

The Applicant alleges, "However, Rai fails to teach or suggest ..." in pages 11-12, "As mentioned above, Rai describes that the color correction ..." in page 12, and "In contrast, in Applicants' amended independent Claim 1 ..." in page 12, and states respectively that Rai describes color correction applied by a current block is independent from the color correction applied by a previous block whereas claim 1 recites color mapping in respect of loci associated with previous color correction processes is inhibited respectively. The Examiner disagrees because Rai teaches color correction process blocks in series as depicted in Figure 11. Each block in the series receives the output of the color correction of the previous block and therefore the succeeding blocks definitely do inhibit color mapping / color correction [color correction using no mapping, complete mapping, weighted mapping] in respect to said loci / zone with previous processes in said succession (see Rai, Figure 11, paragraph [0119], col. 10, lines 18-35). Series shows the color correction blocks are in successive order and that the input to the current color correction block is the output of the previous color correction block which clearly indicates that the color mappings are associated with each other [the current color correction process / block inhibits color mapping in respect of the loci of the previous processes / color correction blocks]. Therefore claim 1 is still not in condition for allowance.

The Applicant alleges, "Page 7 of the outstanding Official Action ..." in pages 12-13 and "In Rai, a color correction process may be applied to a pixel by a first ..." in page

13, and states respectively that "whether color mapping is applied is dependent upon whether a pixel has previously been modified by a previous color correction process". In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "whether the color correction mapping is applied is dependent upon whether a pixel has previously been modified by a previous color correction process"; "addressing the problem of how to reduce color artifacts in portions of images that have previously been color corrected") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore claim 1 is still not in condition for allowance.

The Applicant alleges, "A reference may be said to teach away when a person ..." in pages 13-14, and states respectively that disclosures in the references that diverge from and teach away from the invention cannot be disregarded. The Examiner has discussed above that the rejection to claim 1 is maintained because Rai's disclosure does clearly teach the broadest reasonable interpretation of the claim language. Therefore independent claims 1, 9, and 10 with the respective dependent claims 2-8 are still not in condition for allowance because they are still not patentably distinguishable over the prior art reference Rai.

### ***Claim Objections***

6. Claim 1 is objected to because of the following informalities:

Claim 1, line 8: "so that the results of" should be -- so that results of a --.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Rai (EP 0 947 956 A2, as applied in previous Office Action).

Re Claim 1: Rai discloses a digital image processing apparatus / scene-by-scene for applying pixel-based color correction / color correction to an input image to generate an output image, said apparatus (see Fig. 11, abstract, lines 13-16, col. 10, lines 18-35, col. 11, lines 26-34, col. 12, lines 10-12, col. 15, lines 31-38, 41-43, 45-47, and 52-53, col. 16, lines 53-58, col. 17, lines 1-5, col. 36, lines 31-35, paragraphs [0119]-[0131]) comprising color correction logic configured to provide two or more color correction processes / unprocessed color correction, completely processed color correction, and weighted color correction process each having a respective associated locus / outside color correction zone, inside color correction zone, and the transition zone in a color space and a respective associated color mapping operation / no mapping, complete mapping, weighted mapping (see Fig. 11, abstract, lines 13-16, col. 10, lines 18-35, col.

36, lines 31-35, paragraphs [0119]-[0131]); said color correction processes are arranged as a succession of processes / series so that the results of a color correction process form an input to a next such process in said succession (see Fig. 11, paragraphs [0119]-[0120]); each color correction process detects whether each pixel lies within said respective locus / color correction zone in color space and, if so / inside color correction zone or in transition zone, to applies said color mapping operation / color correction to that pixel (see Fig. 11, abstract, lines 13-16, col. 10, lines 18-35, col. 36, lines 31-35, paragraphs [0119]-[0131]); and each color correction process after a first process in said succession is configured to inhibit color mapping in respect of said loci associated with previous processes in said succession / weighted output color value using alpha mixing (see Fig. 11, abstract, lines 13-16, col. 10, lines 18-35, col. 36, lines 31-35, paragraphs [0119]-[0131]).

Re Claim 2: Rai further discloses each of said color correction processes is carried out by a separate color correction processor / several circuit boards or microprocessors that perform the functions of color correcting (see col. 15, lines 31-38, 41-43, 45-47, 52-53).

Re Claim 3: Rai further discloses said locus in color space of at least one of said color correction processes includes a soft region / transition zone, said soft region being subject to a partial color mapping operation / weighted mapping (see Fig. 11, col. 10, lines 18-35, paragraphs [0119]-[0131]).

Re Claim 4: Rai further discloses said color mapping operation of a subsequent process having a locus / zone in color space overlapping with said soft region is only partially inhibited / transition zone in a region overlapping said soft region (see col. 10, lines 18-35, paragraphs [0119]-[0131]).

Re Claim 5: Rai further discloses a degree of softness in a locus in color space may vary between a first degree of softness / outside the zone meaning alpha mixing is 0%, being indicative that no color mapping will take place / no color correction processing, and a second degree of softness / inside the zone meaning alpha mixing is 100%, being indicative that complete color mapping will take place / completely processed color correction (see col. 10, lines 18-35, col. 36, lines 31-35, paragraphs [0119]-[0131]).

Re Claim 6: Rai further discloses color mapping by a color correction process is partially inhibited / transition zone in respect of a region in color space in which a sum of all degrees / alpha mixing with output color value of softness relating to that region in previous processes in said sequence lies between said first / outside the zone meaning alpha mixing is 0% and second / inside the zone meaning alpha mixing is 100% degrees of softness (see col. 10, lines 18-35, col. 36, lines 31-35, paragraphs [0119]-[0131]).

Re Claim 7: Rai further discloses color mapping in a process will be completely inhibited / inside the zone in respect of a region in color space in which said sum of all degrees /



alpha mixing with output color value of softness relating to that region in previous processes equals or exceeds said second degree / inside the zone meaning alpha mixing is 100% of softness (see col. 10, lines 18-35, col. 36, lines 31-35, paragraphs [0119]-[0131]).

Re Claim 8: Rai further discloses each process is operable to detect a running total degree / alpha mixing with output color value of softness applied by preceding processes in respect of each position in color space, and to apply color correction to an extent / the extent being completely processed color correction no greater than a difference between said running total degree / alpha mixing with output color value of softness and said second degree / inside the zone meaning alpha mixing is 100% of softness (see col. 10, lines 18-35, col. 36, lines 31-35, paragraphs [0119]-[0131]).

As to claim 9, the claim is the corresponding method claim to claim 1 respectively. The discussions are addressed with regard to claim 1.

As to claims 10, the claim is the corresponding computer readable medium encoded with computer instructions claim to claim 9 respectively. The discussions are addressed with regard to claim 9.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Krasnic whose telephone number is (571) 270-1357. The examiner can normally be reached on Mon-Thur 8:00am-4:00pm and every other Friday 8:00am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bernard Krasnic  
January 3, 2008



JINGGE WU  
SUPERVISORY PATENT EXAMINER